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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA, Plaintiff,  
18 v.  
19 ANDRE GRIGSBY, Defendant.

20 CASE NO. 1:22-CR-00150-ADA-BAM  
21 STIPULATION REGARDING EXCLUDABLE  
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
23 ORDER  
24 DATE: 6/14/2023  
25 TIME: 1:00 p.m.  
26 COURT: Hon. Barbara A. McAuliffe

27 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
28 through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on 6/14/2023.
2. By this stipulation, defendant now moves to continue the status conference until 10/11/2023, and to exclude time between 6/14/2023, and 10/11/2023, under 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes wiretap recordings, thousands of pages of investigative reports, surveillance video, audio recordings, cell phone extractions, and other voluminous materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
  - b) Counsel for defendant desires additional time consult with his client, review the

1 voluminous discovery, conduct independent investigation, and pursue a potential pretrial  
2 resolution of the case. In addition, defense counsel is conducting legal and factual research  
3 related to consideration of filing pretrial motions.

4 c) Defense counsel is in receipt of a plea offer from the government and needs the  
5 additional time to consider the offer and review the agreement with his client.

6 d) Counsel for defendant believes that failure to grant the above-requested  
7 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
8 into account the exercise of due diligence.

9 e) The government does not object to the continuance.

10 f) Based on the above-stated findings, the ends of justice served by continuing the  
11 case as requested outweigh the interest of the public and the defendant in a trial within the  
12 original date prescribed by the Speedy Trial Act.

13 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
14 et seq., within which trial must commence, the time period of 6/14/2023 to 10/11/2023,  
15 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) [Local Code  
16 T4] because it is so unusual or so complex, due to the number of defendants, the nature of the  
17 prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect  
18 adequate preparation for pretrial proceedings or for the trial itself within the time limits  
19 established by this section and because the ends of justice served by taking such action outweigh  
20 the best interest of the public and the defendant in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
23 must commence.

24 IT IS SO STIPULATED.

1 Dated: June 2, 2023

PHILLIP A. TALBERT  
United States Attorney

5 Dated: June 2, 2023

6 /s/ JUSTIN J. GILIO  
7 JUSTIN J. GILIO  
8 Assistant United States Attorney

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**ORDER**

IT IS SO ORDERED that the status conference is continued from June 14, 2023, to **October 11, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv).

IT IS SO ORDERED.

Dated: June 5, 2023

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE